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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOHNNY CHEN,

Defendant.

Case No: 2:23-mj-420-MDC

STIPULATION TO MODIFY CONDITIONS OF RELEASE

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, through Kimberly M Frayn, Assistant United States Attorney, and Brian Pugh, Assistant Federal Public Defender, counsel for Johnny Chen, that Mr. Chen's pretrial release travel condition be modified to allow Mr. Chen to make one trip to Mount Laurel, New Jersey as outlined below:

This stipulation is entered into for the following reasons:

1. Mr. Chen requests to travel to New Jersey from November 18, 2024, to November 20, 2024, for a November 19, 2024 meeting with U.S. Citizenship and Immigration Services in Mount Laurel, New Jersey.

2. Before travelling, Mr. Chen will provide to Pretrial Services his itinerary and address where he will be staying in New Jersey.

3. Mr. Chen's Pretrial Services Officer reports that Mr. Chen reports as directed and has no issues. Pretrial Services has no objection to his travel to New Jersey with his wife for three days.

4. The parties agree to this modification.

5. The Bail Reform Act ("The Act") requires the release of a person facing trial under the least restrictive condition or combination of conditions that will reasonably assure the appearance of the person as required and the safety of the community. *United States v. Salerno*, 481 U.S. 739, 755 (1987). In deciding whether to impose certain conditions for pretrial release, the Court is obligated to consider the two dual goals of 18 U.S.C. § 3142. The two express goals of 18 U.S.C. § 3142 are (1) to reasonably assure a defendant's presence in court and (2) to protect the public. *Id.* To determine whether there are conditions that would reasonably protect the safety of the community, the court should consider whether the defendant will likely make a good faith effort at complying with the conditions and whether the conditions are easily circumvented or manipulated. *United States v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008). To make this determination, there must be an "individualized, fact-specific inquiry." *Id.*, at 1094.

6. In addition to the facts and circumstances that led to Mr. Chen's release on conditions 17 months ago, Mr. Chen is in compliance with his conditions of release. *See* ECF No. 7, "Minutes of Proceedings - Initial Appearance as to Johnny Chen held on 5/31/2023 before Magistrate Judge Nancy J. Koppe."

1 7. Mr. Chen has demonstrated to his Pretrial Services Officer and the Court that he
2 is not a risk of flight and that he can be trusted to travel to New Jersey and appear for all future
3 court appearances.

4 8. Wherefore, the parties hereby stipulate and request that Mr. Chen be permitted to
5 travel to New Jersey during the dates stated above, but only after providing to his Pretrial Services
6 Officer his itinerary and address where he will be staying in New Jersey.

7 Respectfully submitted this 4th day of November 2024.

8 RENE L. VALLADARES
9 Federal Public Defender

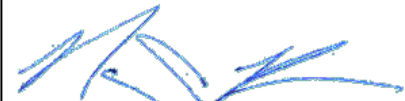
JASON M. FRIERSON
United States Attorney

10 By /s/ Brian Pugh
11 BRIAN PUGH
Assistant Federal Public Defender

By /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant U.S. Attorney

12 ORDER

13 IT IS SO ORDERED.

14 

15 NANCY J. KOPPE
16 United States Magistrate Judge

17 DATED: November 4, 2024